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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/479,608    01/06/00    DRMANAC

R    28110/35918

EXAMINER

HM12/0328

Marshall, O Toole, Gerstein, Murray & Bo  
6300 Sears Tower  
233 South Wacker drive  
Chicago IL 60606-6402

LIN, J  
ART UNIT

PAPER NUMBER

1631  
DATE MAILED:

03/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

See Attachment

The art unit designated for this application has changed. Applicant(s) are hereby informed that future correspondence should be directed to Art Unit 1631.

## **DETAILED ACTION**

### ***Response to Arguments***

The communication, filed on March 01, 2001, is non-responsive to the prior Office Action, mailed October 25, 2000, because of the following reasoning:

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a) (1) and (a) (2). However, this application fails to comply with the requirements of 37 CFR § 1.821 through 1.825 because applicant has not provided an initial or substitute computer readable form copy of the "Sequence Listing"; an initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification; a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825 (d). Failure to respond to this requirement may result in abandonment of the instant application.

Applicant has responded to the requirement to comply with the rules for sequence disclosure by asserting that the sequences are hypothetical and are not significant to the patentability of the methods or the pools of probes. However, all disclosed sequences must follow sequence rules regardless of their presence in the claims.

The MPEP, section 2420, states:

"... the Office amended its regulations [sequence rules] to establish a standardized format for descriptions of nucleotide and amino acid sequence data submitted as part of patent applications, in conjunction with the required submission of that data in computer readable form."

The MPEP also states in section 2421.02:

"The [sequence] rules apply to all sequences in a given application, whether claimed or not."

From these statements, it is clear that all disclosed sequences must comply with sequence rules. Although the applicant does not claim a particular sequence as part of the invention, the disclosed sequence must follow sequence rules.

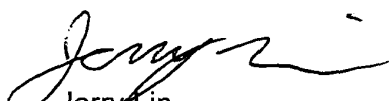
Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER C.F.R. § 1.136 (a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

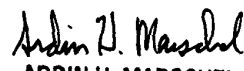
Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is either (703) 305-3014 or (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Lin whose telephone number is (703) 306-5439. The examiner can normally be reached on 7:30am-4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst, Tina Plunkett, whose telephone number is (703) 305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

  
Jerry Lin  
March 22, 2001

  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER